

MINUTES
SANDY CITY COUNCIL MEETING

Sandy City Hall - Council Chamber Room #211
10000 Centennial Parkway
Sandy, Utah 84070

April 10, 2007

PRESENT:

Council Members: Vice Chairman Bryant Anderson, Scott Cowdell, Steve Fairbanks, Chris McCandless, Linda Martinez Saville, and Stephen Smith

Mayor: not present

Others in Attendance: City Attorney Walter Miller; Community Development Director Mike Coulam; Public Utilities Director Shane Pace; Public Works Director Rick Smith; Deputy to the Mayor John Hiskey; Police Chief Stephen Chapman; Fire Chief Don Chase; Council Office Director Phil Glenn; Council Executive Secretary Wendy Densley

ABSENT/EXCUSED:

Chairman Dennis Tenney, Mayor Tom Dolan, CAO Byron Jorgenson.

Meeting was commenced at 7:04 p.m.

SANDY CITY COUNCIL MEETING

1. OPENING REMARKS/PRAYER/PLEDGE:

The Prayer was offered by Skyler Bennett Boy Scout of Troop #835, and the Pledge was led by Corban Robinett, also of Troop #835.

2. CITIZEN(S) COMMENTS:

a. There were no citizen comments

COUNCIL ITEMS:

4. Citizen Committee Appointments

Resolution #07-16 C – appointing citizens to various Sandy City Committees.

Discussion:

Bryant Anderson explained that there are number of citizen committees in the city whose members are volunteer citizens. Mr. Anderson then went over a few of the committees in the City.

Phil Glenn reported on committees that were in need of new members, or re-appointments. Mr. Glenn then gave the names of those recommended for re-appointment or appointment.

Motion: **Steve Smith made the motion to adopt resolution #07-16 C appointing those citizens to the committees outlined in the resolution and read by Phil Glenn.**

Second: **Scott Cowdell**

Vote: Anderson – Yes; Cowdell – Yes; Fairbanks – Yes; McCandless – Yes; Saville – Yes; Smith – Yes.

Motion Approved: 6 in favor - 1 absent.

5. State Fireworks Statutes/City Ordinance Noise Compliance

Discussion:

Walter Miller explained the current State fireworks Statutes, and City Ordinance on noise Compliance.

Chief Chase explained that there is a lot of confusion regarding fireworks that are illegal. Most of the fireworks that go even moderate distances into the air are illegal. He reported that if people have neighbors who are using illegal fireworks, they should call the Fire or Police Departments and the battalion chief will report to the location of the

questioned fireworks. The biggest noise offenders are the fireworks that whistle, or go further than 5 feet above the ground.

Phil Glenn asked if Chief Chase could give the name of the appropriate Battalion Chief to Mr. Sutherland; when these instances come up in his neighborhood, he will know who to contact.

Mr. Sutherland in reading the State Statute noticed that there are no guidelines as to restrictions during the time of day that the fireworks could be used.

Walter Miller explained that it isn't possible to adopt a city ordinance establishing further restrictions; doing so would go against the State Statutes.

Steve Smith said that Mr. Sutherland appeared to be asking for the City to explore possible legislative changes; possibly adding some restrictions on fireworks noise, consistent with our noise ordinance.

6. Code Amendment: Public Utility Station

Ordinance #07-14 – amending Section 15-15-02, "Definitions", revising the definition of "Public Utility Station". (attached exhibit A)

Motion: **Steve Fairbanks made the motion to adopt Ordinance #07-14 amending Section 15-15-02, revising the definition of "Public Utility Station".**

Second: **Chris McCandless**

Vote: Anderson – Yes; Cowdell – Yes; Fairbanks – Yes; McCandless – Yes; Saville – Yes; Smith – Yes;

Motion Approved: 6 in favor, - 1 absent.

7. Applications for Cable Television Franchises

Ordinance #07-12 – amending Title 16, "Revenue and Finance", Section 16-27-40, "Procedures for Applications for Additional Franchise Requests".

Discussion:

Wally Miller reported that the Federal Communication Commission feels that Cities are doing too much to hold up applications for communication franchises. Mr. Miller reported that they have made recent rule making for City's to follow in this application process.

Steve Proper –Comcast - gave a brief history and current update on the company. Comcast now provides a triple play service, telephone, cable television and high speed Internet. Last year they launched their IP Internet protocol phone service throughout their service area. Mr. Proper reported that they have recently applied through the FCC for a petition called "Affective Competition Relief", a petition that dictates if cable operators could meet certain criteria, based on federal law, they would be relieved of some of the regulations on the local level. Comcast met that criteria in a number of communities. With respect to the amendment proposal, they feel it is perhaps premature in making changes in the wording on franchise. With any amendments, they feel there must be an assurance that all providers will be treated equally, old or new. Before making any amendments they ask that three of the items be considered. Mr. Proper then discussed the following sections: (Exhibit A) Section 5, Service Area, Section 6 PEG(Public, Education, government channels), and Section 9, Franchise fees.

Walter Miller reported that Mr. Proper's questions need to be examined with any new provider. Sandy City Administration's preference is to adopt the ordinance, which is simply saying this is the information that is needed when companies apply. His recommendation is to adopt this application process, which doesn't commit the City in anyway later on to the terms of which we would actually give a franchise.

Steve Fairbanks questioned what governs the City's ability to say grant a franchise or not.

Walter Miller reported that the FCC is convinced that Cities are holding up some cable companies desire to provide artificial barriers and services through certain requirements.

Steve Fairbanks asked if it would be a risk at some point for someone looking at this ordinance taking it at face value assuming that whatever requirements the cable franchisees do or do not want to meet will be ok.

Walter Miller reminded the council that this ordinance is an application process, not an agreement. After the application process has been initiated and negotiated, it is up to the Council to approve any Franchises.

Scott Cowdell question why would Comcast be opposed to this application process if it doesn't legally bind them or the City.

Steve proper explained that they are concerned that the way it is worded, new applicants would be allowed to self define the three requirements he previously listed. He explained there is nothing now in the current application process that prevents anyone from applying for a new franchise. He feels that all citizens should benefit equally, all businesses should be treated equally.

Walter Miller made the suggestion to add a letter "C" to the application process saying the application is intended to initiate that franchise process, in no case shall the city be bound to grant a franchise on the terms of the application.

Steve Smith explained his concern that all parties are not fully understanding this issue enough. He would like to know more about the current franchise agreement Comcast is under, so they can evaluate and determine that everything is covered. If a motion was to be made he would suggest tabling the motion for week or two, so more information can be brought back.

Motion: Steve smith made the to table Ordinance #07-12 – amending Title 16, “Revenue and Finance”, Section 16-27-40, “Procedures for Applications for Additional Franchise Requests” for one week.

Second: Chris McCandless

Vote: Cowdell – Yes; Fairbanks – Yes; Martinez – Yes; McCandless – Yes; Smith – Yes; Anderson – Yes.

Motion Approved: 6 in favor – 1 absent

7. **Proclamation – Arbor Day 2007**

Motion: Steve Smith made a motion to declare May 19th, 2007 as Arbor Day in Sandy City.

Second:

Vote: All in favor

7. **MAYOR'S REPORT:**

a. absent

8. **CAO'S REPORT:**

a. absent

9. **COUNCIL OFFICE DIRECTOR'S REPORT:**

- a. **Phil Glenn** gave a report on proposed water re-use program.
- b. Mr. Glenn gave the council members an update on upcoming events. He and a few other council members are traveling to St. George for the Utah League of Cities and Towns.

10. **OTHER COUNCIL BUSINESS:**

a.

At approximately 7:55 p.m., Steve Fairbanks made a motion to adjourn Council Meeting, motion seconded by Steve Smith.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

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04/10/07

City Council Meeting Minutes

Dennis B. Tenney
Council Chairman

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Wendy Densley
Council Executive Secretary